

AMENDED IN SENATE APRIL 17, 2006

SENATE BILL

No. 1614

Introduced by Senator Simitian

February 24, 2006

An act to amend ~~Section 52052.5~~ of Sections 10600, 10601, 44230, and 60900 of, and to add Section 10601.5 to, the Education Code, relating to ~~pupil achievement~~ teachers.

LEGISLATIVE COUNSEL'S DIGEST

SB 1614, as amended, Simitian. ~~Instructional programs: pupil achievement. Teachers: information system: identification number.~~

(1) Existing law recognizes the development by the State Department of Education of the California Education Information System (CEIS) for the purpose of establishing and maintaining a basic, integrated, statewide information system for education.

This bill would require the department, in collaboration with the Commission on Teacher Credentialing, to contract for the development of a teacher data system to be known as the California Longitudinal Teacher Integrated Data System. The bill would declare that the CEIS includes that teacher data system and the California Longitudinal Pupil Achievement Data System, as specified. The bill would provide that the purpose of the teacher data system is to serve as the central state repository of information regarding the teacher workforce in the state for purposes of developing and reviewing state policy, identifying workforce trends, and identifying future needs regarding that workforce. The bill would require the Superintendent of Public Instruction to convene a working group, including, but not limited to, representatives from the Commission on Teacher Credentialing, the Department of Finance, the Secretary for

Education, the Legislative Analyst's Office, the Employment Development Department, and representatives of local educational agencies, postsecondary institutions, researchers, teachers, administrators, and parents, to provide advice and guidance on the development of the teacher data system.

(2) Existing law requires the commission to maintain for public record certain specified information regarding the credentials, certificates, permits, or other documents that it issues and authorizes the commission to disclose that information. Existing law, notwithstanding any other provision of law, prohibits the disclosure by the commission of information other than the information maintained for public record absent an order from a court of competent jurisdiction.

This bill would, in addition, require the commission to establish a nonpersonally identifiable teacher identification number for each teacher to whom it issues a credential, certificate, permit, or other document authorizing that individual to teach in the public schools. The bill would authorize the commission to disclose those identification numbers.

~~Existing law requires the Superintendent of Public Instruction to establish a broadly representative and diverse advisory committee to advise the Superintendent and the State Board of Education on the creation of the Academic Performance Index and the implementation of the Immediate Intervention/Underperforming Schools Program and the High Achieving/Improving Schools Program and also establishes related requirements. Existing law requires the advisory committee to make recommendations to the Superintendent on the appropriateness and feasibility of a methodology for generating a measurement of academic performance, as specified. Existing law requires the Superintendent, with the approval of the state board, to implement the measurement of academic performance recommended by the advisory committee if it is appropriate and feasible to do so.~~

~~This bill would make technical, nonsubstantive changes to these provisions:~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 10600 of the Education Code is*
2 *amended to read:*

3 10600. (a) It is the intent of the Legislature in enacting this
4 chapter to make complete, current, and reliable information
5 relating to education available to the Legislature and to all public
6 educational agencies in California at maximum efficiency and
7 economy through statewide compatibility in the development and
8 application of information systems and electronic
9 data-processing techniques insofar as they relate to data required
10 in reports to the ~~State Department of Education~~ *department*.

11 (b) It is the further intent of the Legislature to recognize the
12 importance and enhance the stature of the education profession
13 throughout the state. ~~The~~

14 (c) *The* Legislature finds and declares ~~that according~~ *all of the*
15 *following:*

16 (1) *According* to recent studies, there is a shortage of qualified
17 teachers, particularly in the areas of *special education, English*
18 *language acquisition and development*, math, and science,
19 throughout California. ~~The Legislature also finds that it must~~
20 ~~continue to support ways in which individuals will be attracted to~~
21 ~~the teaching profession, in order that California may remain~~
22 ~~competitive with other states. The Legislature recognizes that the~~
23 ~~teacher shortage could be ameliorated through the availability of~~
24 ~~more extensive information concerning the teaching profession.~~
25 ~~This vital goal may be accomplished by establishing in the State~~
26 ~~Department of Education a comprehensive state education data~~
27 ~~information system for compiling data on the teacher shortage.~~

28 (2) *In order that California may remain competitive in the*
29 *global economy, the Legislature recognizes the necessity of*
30 *continuing to support the recruitment of individuals to the*
31 *teaching profession and effective teacher preparation and*
32 *professional development programs. The Legislature also*
33 *recognizes the importance of quality instruction to the academic*
34 *achievement of pupils and of providing each pupil in the public*
35 *schools with instruction by a highly qualified teacher.*

36 (3) *State and local policymakers, local educational agencies,*
37 *teachers, parents, and pupils all need reliable information*
38 *regarding participation in the teacher workforce, teacher*

1 movement between schools and school districts, the departure of
2 teachers from the workforce before retirement, the
3 appropriateness of teacher assignments, and the effectiveness of
4 teacher credential, preparation, induction, recruitment, support,
5 and professional development programs, and would benefit from
6 the availability of more extensive information regarding the
7 teaching profession.

8 (4) Data regarding the teacher workforce is currently
9 collected and maintained by numerous state and local
10 educational agencies. In order for the Legislature to fulfill its
11 intent in enacting this chapter, it is necessary to integrate the
12 data collected by those existing data systems to provide an
13 understanding of the teacher workforce in the state and the
14 effectiveness of teacher programs. For purposes of integrating
15 data regarding the teacher workforce in the state, Item
16 6110-001-0890 of Section 2.00 of the Budget Act of 2005
17 (Chapter 38 of the Statutes of 2005) appropriated funds for the
18 department to contract for a teacher data system feasibility study
19 to determine the feasibility of converting existing data systems
20 into an integrated, comprehensive, longitudinally linked teacher
21 information system that can yield high-quality program
22 evaluations.

23 (d) It is the intent of the Legislature that the vital goals
24 described in this section be accomplished through the
25 establishment of a comprehensive state education data
26 information system in the department that includes information
27 regarding the teacher workforce.

28 SEC. 2. Section 10601 of the Education Code is amended to
29 read:

30 10601. (a) There has been developed by the—State
31 ~~Department of Education~~ department the California Education
32 Information System, hereinafter in this chapter called “the
33 system.” The function of the system is to establish, conduct, and
34 by continuous concern keep up to date a basic, integrated,
35 statewide information system for education.

36 (b) The system includes all of the following:

37 (1) The California Longitudinal Pupil Achievement Data
38 System pursuant to Chapter 10 (commencing with Section 60900)
39 of Part 33, which maintains pupil data regarding demographic,
40 program participation, enrollment, and statewide assessments, in

1 addition to data contained in the California Basic Educational
2 Data System, including certificated staff information collected
3 through the Professional Assignment Information Form prepared
4 by the department.

5 (2) The California Longitudinal Teacher Integrated Data
6 Education System pursuant to Section 10601.5, which enables
7 analysis of workforce trends, evaluation of teacher preparation
8 and professional development programs, and the monitoring of
9 teacher assignments by maintaining data regarding the teacher
10 workforce that is not maintained in the California Longitudinal
11 Pupil Achievement Data System and consolidating data but is
12 scattered throughout various other data systems by state
13 agencies other than the department and by county offices of
14 education.

15 ~~(b) The system shall include all of the following information~~
16 ~~for the purposes of this chapter, and particularly to carry out the~~
17 ~~legislative intent expressed in subdivision (b) of Section 10600,~~
18 ~~and shall be subject to the appropriation of funds for the~~
19 ~~operation of the system in the Budget Act for each fiscal year:~~

20 ~~(1) Age profile of teachers in the workforce.~~

21 ~~(2) Projections on the number of retirees in the education~~
22 ~~system over the next 10 years throughout the state.~~

23 ~~(3) Identification of subject matter fields which have the~~
24 ~~severest shortage of teachers.~~

25 ~~(4) Geographical distribution of teachers by credential type.~~

26 ~~(5) Present patterns of in-service education for teachers.~~

27 ~~(c) The Commission on Teacher Credentialing shall~~
28 ~~participate in the system by providing available data regarding~~
29 ~~enrollment in credential programs, credentials issued in each~~
30 ~~specialization, and certificated persons in each specialty who are~~
31 ~~not employed in education, and by collaborating with the State~~
32 ~~Department of Education in the design and preparation of~~
33 ~~periodic reports of teacher supply and demand in each specialty~~
34 ~~and region of the state.~~

35 SEC. 3. Section 10601.5 is added to the Education Code, to
36 read:

37 10601.5. (a) The department, in collaboration with the
38 Commission on Teacher Credentialing, shall contract for the
39 development of a teacher data system to be known as the
40 California Longitudinal Teacher Integrated Data System that is

1 *based on the results of the teacher data system feasibility study*
2 *conducted pursuant to Item 6110-001-0890 of Section 2.00 of the*
3 *Budget Act of 2005 (Chapter 38 of the Statutes of 2005). The*
4 *purpose of the system is to streamline processes, improve the*
5 *efficiency of data collection by the department, the Commission*
6 *on Teacher Credentialing, and the Employment Development*
7 *Department, and improve the quality of data collected from local*
8 *educational agencies. The system shall be developed and*
9 *implemented in accordance with all state rules and regulations*
10 *governing information technology projects.*

11 *(b) The system shall serve as the central state repository of*
12 *information regarding the teacher workforce in the state for*
13 *purposes of developing and reviewing state policy, identifying*
14 *workforce trends, and identifying future needs regarding the*
15 *teaching workforce. It shall also serve to provide high-quality*
16 *program evaluations, including evaluation of the effectiveness of*
17 *teacher preparation, induction, and professional development*
18 *programs. Additionally, it shall promote the efficient monitoring*
19 *of teacher assignments as required by state and federal law.*

20 *(c) Data in the system may not be used, either solely or in*
21 *conjunction with data from the California Longitudinal Pupil*
22 *Achievement Data System, for purposes of pay, promotion,*
23 *sanction, or personnel evaluation of an individual teacher or*
24 *groups of teachers.*

25 *(d) The system shall be used to accomplish all of the following*
26 *goals:*

27 *(1) Provide a means to evaluate all of the following:*

28 *(A) The effectiveness of investments in professional*
29 *development for teachers.*

30 *(B) The effectiveness of teacher preparation programs,*
31 *including but not limited to, traditional fifth-year programs,*
32 *university internship programs, and district-sponsored internship*
33 *programs.*

34 *(C) Teacher workforce issues, including mobility, retention,*
35 *and attrition.*

36 *(2) Streamline and improve the effectiveness and timeliness of*
37 *assignment monitoring as required by the federal No Child Left*
38 *Behind Act of 2001 (20 U.S.C. Sec. 6301 and following) and by*
39 *state law.*

1 (3) *Enable local educational agencies to monitor teacher*
2 *assignments on demand.*

3 (e) *For the purposes of implementing this chapter, including*
4 *the legislative intent expressed in subdivision (b) of Section*
5 *10600, the system shall include all of the following information:*

6 (1) *Age profiles of teachers in the workforce.*

7 (2) *Projections on the number of retirees in the education*
8 *system over the next 10 years throughout the state.*

9 (3) *Identification of subject matter fields that have the severest*
10 *shortage of teachers.*

11 (4) *Geographic distribution of teachers by credential type.*

12 (5) *Present patterns of in-service education for teachers.*

13 (f) *The Commission on Teacher Credentialing shall*
14 *participate in the system by providing available data regarding*
15 *enrollment in credential programs, credentials issued in each*
16 *specialization, and certificated persons in each specialty who are*
17 *not employed in education, and by collaborating with the*
18 *department in the design and preparation of periodic reports of*
19 *teacher supply and demand in each specialty and in each*
20 *geographic region of the state.*

21 (g) *The system shall do all of the following:*

22 (1) *Utilize and maximize use of existing teacher databases.*

23 (2) *Maintain longitudinally-linked data without including the*
24 *names of teachers.*

25 (3) *Comply with all state and federal confidentiality and*
26 *privacy laws.*

27 (h) *The Superintendent shall convene a working group to*
28 *provide advice and guidance on the development and*
29 *implementation of the system. The group shall include, but is not*
30 *limited to, representatives from the Commission on Teacher*
31 *Credentialing, the Department of Finance, the Secretary for*
32 *Education, the Legislative Analyst's Office, the Employment*
33 *Development Department, and representatives of local*
34 *educational agencies, postsecondary institutions, researchers,*
35 *teachers, administrators, and parents.*

36 (i) *The operation of the system is contingent upon the*
37 *appropriation of funds for purposes of this section in the annual*
38 *Budget Act or other legislation.*

39 SEC. 4. *Section 44230 of the Education Code is amended to*
40 *read:*

1 44230. (a) (1) The commission shall maintain for public
2 record, and may disclose, only the following information relating
3 to the credentials, certificates, permits, or other documents that it
4 issues: the document number, title, term of validity, subjects,
5 authorizations, effective dates, renewal requirements,—and
6 restrictions, *and the teacher identification number pursuant to*
7 *subdivision (c)*. The commission may also disclose the last
8 known business address of any applicant or credentialholder.

9 (2) Notwithstanding any other provision of law, except as
10 provided for in Section 44248, no information, other than that set
11 forth in paragraph (1), may be disclosed by the commission
12 absent an order from a court of competent jurisdiction.

13 (b) In order to expedite the application process for the benefit
14 of applicants for credentials, certificates, permits, or other
15 documents issued by the commission, the commission may
16 receive from, or transmit to, the agency that submitted the
17 application, either electronically or by printed copy, the
18 information set forth in that application. For purposes of this
19 subdivision, “agency” means a school district, county office of
20 education, or institution of higher education having a
21 commission-approved program of professional preparation.

22 (c) *The commission shall establish a nonpersonally*
23 *identifiable teacher identification number for each teacher to*
24 *whom it issues a credential, certificate, permit, or other*
25 *document authorizing that individual to teach in the public*
26 *schools.*

27 *SEC. 5. Section 60900 of the Education Code is amended to*
28 *read:*

29 60900. (a) ~~The State Department of Education~~ *department*
30 *shall contract for the development of proposals which will*
31 *provide for the retention and analysis of longitudinal pupil*
32 *achievement data on the tests administered pursuant to Chapter 5*
33 *(commencing with Section 60600), Chapter 7 (commencing with*
34 *Section 60810), and Chapter 9 (commencing with Section*
35 *60850). The longitudinal data shall be known as the California*
36 *longitudinal pupil achievement data system.*

37 (b) The proposals developed pursuant to subdivision (a) shall
38 evaluate and determine whether it would be most effective, from
39 both a fiscal and a technological perspective, for the state to own
40 ~~the California longitudinal pupil achievement data system~~

1 *system*. The proposals shall additionally evaluate and determine
2 the most effective means of housing the California ~~longitudinal~~
3 ~~pupil achievement data system~~ *Longitudinal Pupil Achievement*
4 *Data System*.

5 (c) The California ~~longitudinal pupil achievement data system~~
6 *Longitudinal Pupil Achievement Data System* shall be developed
7 and implemented in accordance with all state rules and
8 regulations governing information technology projects.

9 (d) The system or systems developed pursuant to this section
10 shall be used to accomplish all of the following goals:

11 (1) To provide school districts and the ~~State Department of~~
12 ~~Education~~ *department* access to data necessary to comply with
13 federal reporting requirements delineated in the *federal* No Child
14 Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.).

15 (2) To provide a better means of evaluating educational
16 progress and investments over time.

17 (3) To provide local educational agencies information that can
18 be used to improve pupil achievement.

19 (4) To provide an efficient, flexible, and secure means of
20 maintaining longitudinal statewide pupil level data.

21 (e) In order to comply with federal law as delineated in the
22 *federal* No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301
23 et seq.), the local educational agency shall retain individual pupil
24 records for each test taker, including all of the following:

25 (1) All demographic data collected from the STAR test, high
26 school exit examination, and English language development test.

27 (2) Pupil achievement data from assessments administered
28 pursuant to the STAR, high school exit examination, and English
29 language development testing programs. To the extent feasible,
30 data should include subscore data within each content area.

31 (3) A unique pupil identification number to be identical to the
32 pupil identifier developed pursuant to the California School
33 Information Services, which shall be retained by each local
34 educational agency and used to ensure the accuracy of
35 information on the header sheets of the STAR tests, high school
36 exit examination, and the English language development test.

37 (4) All data necessary to compile reports required by the
38 federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301
39 et seq.), including, but not limited to, dropout and graduation
40 rates.

(5) Other data elements deemed necessary by the Superintendent of Public Instruction, with approval of the ~~State Board of Education~~ *state board*, to comply with the federal reporting requirements delineated in the *federal* No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), after review and comment by the advisory board convened pursuant to subdivision (h).

(f) The California ~~longitudinal pupil achievement data system or systems~~ *Longitudinal Pupil Achievement Data System* shall have all of the following characteristics:

(1) The ability to sort by demographic element collected from the STAR tests, high school exit examination, and English language development test.

(2) The capability to be expanded to include pupil achievement data from multiple years.

(3) The capability to monitor pupil achievement on the STAR tests, high school exit examination, and English language development test from year to year and school to school.

(4) The capacity to provide data to the state and local educational agencies upon their request.

(g) Data elements and codes included in the system shall comply with Sections 49061 to 49079, inclusive, and Sections 49602 and 56347, with Sections 430 to 438, inclusive, of Title 5 of the California Code of Regulations, with the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code), and with the *federal* Family Education Rights and Privacy Act statute (20 U.S.C. Secs. 1232g and 1232h) and related federal regulations.

(h) The ~~State Department of Education~~ *department* shall convene an advisory board consisting of representatives from the ~~State Board of Education~~ *state board*, the Secretary for Education, the Department of Finance, the State Privacy Ombudsman, the Legislative Analyst's ~~office~~ *Office*, representatives of parent groups, school districts, and local educational agencies, and education researchers to establish privacy and access protocols, provide general guidance, and make recommendations relative to data elements. The department is encouraged to seek representation broadly reflective of the general public of California.

(i) Subject to funding being provided in the annual Budget Act, the ~~State Department of Education~~ *department* shall contract with a consultant for independent project oversight. The Director of Finance shall review the request for proposals for the contract. The consultant hired to conduct the independent project oversight shall twice annually submit a written report to the Superintendent of Public Instruction, the ~~State Board of Education~~ *state board*, the advisory board, the Director of Finance, the Legislative Analyst, and the appropriate policy and fiscal committees of the Legislature. The report shall include an evaluation of the extent to which the ~~California longitudinal pupil achievement data system~~ *Longitudinal Pupil Achievement Data System* is meeting the goals described in subdivision (b) and recommendations to improve the data system in ensuring the privacy of individual pupil information and providing the data needed by the state and school districts.

(j) This section shall be implemented using federal funds received pursuant to the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), which are appropriated for purposes of this section in Item 6110-113-0890 of Section 2.00 of the Budget Act of 2002 (Chapter 379 of the Statutes of 2002). The release of these funds is contingent on approval of an expenditure plan by the Department of Finance.

(k) For purposes of this chapter, a local educational agency shall include a county office of education, a school district, or charter school.

~~SECTION 1. Section 52052.5 of the Education Code is amended to read:~~

~~52052.5. (a) The Superintendent shall establish a broadly representative and diverse advisory committee to advise the Superintendent and the state board on all appropriate matters relative to the creation of the Academic Performance Index and the implementation of the Immediate Intervention/Underperforming Schools Program and the High Achieving/Improving Schools Program. Members of the advisory committee shall serve without compensation for terms not to exceed two years. The department shall provide staff to the advisory panel.~~

~~(b) By July 1, 2005, the advisory committee established pursuant to this section shall make recommendations to the~~

1 Superintendent on the appropriateness and feasibility of a
2 methodology for generating a measurement of academic
3 performance by utilizing unique pupil identifiers for pupils in
4 kindergarten and any of grades 1 to 12, inclusive, and annual
5 academic achievement growth to provide a more accurate
6 measure of the growth of a school over time. If appropriate and
7 feasible, the Superintendent, with the approval of the state board,
8 shall thereafter implement this measurement of academic
9 performance.

O